

**FILED**

**UNITED STATES DISTRICT COURT  
IN THE UNITED STATES DISTRICT COURT ALBUQUERQUE, NEW MEXICO**

**FOR THE DISTRICT OF NEW MEXICO**

JUN 16 2022

*VR*

UNITED STATES OF AMERICA,

Plaintiff,

MITCHELL R. ELFERS  
CLERK

v.

No. CR 19-0555 JB

BERNARD WASHINGTON, III,

Defendant.

**ORDER**

THIS MATTER IS BEFORE THE COURT on Defendant's *Unopposed Motion to Continue Trial Setting*, filed June 6, 2022 [Doc. 152]. Defendant brings the motion under 18 U.S.C. § 3161(h)(7)(A) and asserts that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the defendant in a speedy trial.

The Court having considered the motion, being fully advised in the premises and in the light of the recent holding in *United States v. Toombs*, 574 F.3d 1262 (2009) finds that Defendant has by his motion created a sufficient record to justify granting the motion to continue. *See id.*, 574 F.3d at 1271 (requiring that the record on a motion to continue "contain an explanation of why the mere occurrence of the event identified by the party as necessitating the continuance results in the need for additional time").

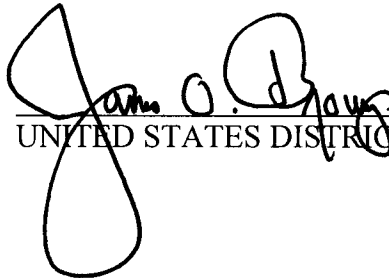
**IT IS ORDERED** that the Jury Selection/Trial set for June 9, 2022 is VACATED..

**IT IS FURTHER ORDERED** that pursuant to 18 U.S.C. § 3161(h)(7)(A), the Court finds that the ends of justice served by granting the unopposed motion for continuance outweigh the best interest of the public and the Defendants in a speedy trial. Therefore, all the time from the filing

of the motion until the beginning of jury selection in this matter shall be excluded for the purpose of the Speedy Trial Act.

**IT FURTHER ORDERED** that any plea agreement must be entered by June 9, 2022.

**SO ORDERED** this \_\_\_\_ day of \_\_\_\_, 2022, in Albuquerque, New Mexico.

  
UNITED STATES DISTRICT JUDGE


Submitted by:


/s/ Ryan J. Villa  
RYAN J. VILLA  
Counsel for Defendant

Approved:

/s/ Alex Uballez  
ALEX UBALLEZ  
Counsel for the United States

After weighing the best interests of the public and of the Defendant with the ends of justice, the Court finds that granting a continuance will strike a proper balance between the ends of justice and the best interests of the public and of the Defendant for the reasons stated in the motion requesting a continuance, filed June 6, 2022 (Doc. 152). Specifically, the Defendant's need to attend the Change of Plea Hearing set for June 9, 2022, enter a change of plea, and if a plea is not entered, additional time to permit counsel to file pretrial motions and prepare for trial, outweighs the Defendant's and the public's interest in a speedy trial. See 18 U.S.C. Section 3161(h)(7). The Court will set the trial for June 27, 2022. The pretrial motion deadline is \_\_\_\_\_. This \_\_\_\_ day continuance is sufficient, without being greater than necessary, for the Defendant to complete the tasks set forth in the motion to continue.

  
6/13/22

  
6/13/22